

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Beverly L. Wolgast et al.)	Group Art Unit: 1624
)	
Application No.: 10/560,953)	Examiner: Brenda L. Coleman
)	
Filed: April 26, 2007)	
)	Confirmation No.: 1700
For: PROCESS FOR PREPARING 3-)	
BENZAZEPINES)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement dated March 8, 2010, the Office required restriction under 35 U.S.C. § 121 between the following groups of claims:

Group I - Claims 1-27 and 42-65, allegedly drawn to the compounds, compositions, process of preparing and method of use of the compounds of formulae V, Va and Vb.

Group II - Claims 28-34 and 39-41, allegedly drawn to the compounds and process of preparing the compounds of formula IX.

Group III - Claims 35-41, allegedly drawn to the compounds and process of preparing the compounds of formula X.

Applicants elect, without traverse, to prosecute Group I, claims 1-27 and 42-65 allegedly drawn to the compounds, compositions, process of preparing and method of use of the compounds of formulae V, Va and Vb.

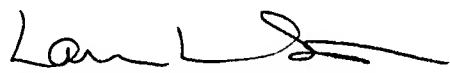
The Office also required a "tentative election of a single species within the elected group." See Office Action, p. 3. Applicants elect the species that is a compound of Formula Vb, wherein $R^1 = H$, $R^2 = \text{methyl}$, $R^3 = H$, $R^4 = Cl$, $R^5 = H$, $R^6 = H$, $R^{8a} = H$, and $R^{8b} = H$. Claims 1-27 and 42-65 encompass the elected species.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 8, 2010

By: 

Lauren L. Stevens
Reg. No. 36,691

Tel: (650) 849-6614

Email: lauren.stevens@finnegan.com